

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAURA PINEDA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:22-cv-01287-SAB

ORDER REQUIRING DEFENDANT TO
SHOW CAUSE WHY SANCTIONS
SHOULD NOT BE IMPOSED FOR
FAILURE TO LODGE ADMINISTRATIVE
RECORD

(ECF No. 5)

DEADLINE: DECEMBER 5, 2022

On October 10, 2022, Plaintiff Laura Pineda filed this action seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner”) denying an application for disability benefits pursuant to the Social Security Act. (ECF No. 1.) On October 12, 2022, the Court issued a scheduling order, which was served electronically on Defendant. (ECF Nos. 5, 6.) Pursuant to the scheduling order, Defendant was directed to electronically file the administrative record within 90 days of service of the Court’s order; thus, the deadline to file the administrative record was November 28, 2022. (*Id.* at 2.) However, an independent review of the docket reveals that, as of November 28, 2022, neither the administrative record, nor other filings, have been submitted.

Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” The Court has the inherent power to

1 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
2 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
3 2000).

4 Defendant's failure to timely lodge the administrative record constitutes a failure to
5 comply with the Court's order. Accordingly, Defendant will be directed to show cause why
6 sanctions should not issue for failure to lodge the administrative record in compliance with the
7 Court's October 12, 2022 order (ECF No. 5).

8 Based on the foregoing, IT IS HEREBY ORDERED that **no later than December 5,**
9 **2022**, Defendant shall show cause in writing why sanctions should not issue for the failure to
10 comply with the Court's orders and timely lodge the administrative record in this matter.
11 Failure to comply with this order will result in the imposition of sanctions up to and including
12 dismissal of this action.

13
14 IT IS SO ORDERED.

15 Dated: **November 29, 2022**


UNITED STATES MAGISTRATE JUDGE